



Tyngsborough Board of Health

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Sheila Perrault, Chairperson

Bernadette Harper – Vice Chairperson
Patricia Quinn

Christopher Mellen
Tracie Looney

Board of Health Meeting Minutes November 19, 2012

Members Present: Sheila Perrault (SP), Pat Quinn (PQ), Tracie Looney (TL), Chris Mellen (CM), Bernadette Harper (BH)

Also Present: Kerri C. Oun (KO) – Health Agent, Karen Steeves (KS) – Administrator Assistant, Matt Waterman (MW) – Landtech Consultant

6:07 BH: made motion to open meeting.

PQ: 2nd meeting

Vote: yes -5 no -0

6:08 296 Westford Road:

Owners, Nancy Weber and Mark Turner and engineer Jessee Johnson from David Ross and Associate were present to request a variance for the repair of the existing septic system. Mr. Johnson provided overview of property. Entire property is within 100 feet wetland buffer zone. He had used Town's and State GIS to determine the flood zone. The existing system has leach pit. Tested 2 adjacent new test pits to get characterization of soil to design an upgrade using Cultek chambers. Due to restrictions and environmental constraints, the following are requested:

- A reduction of soil absorption system offset from property line from 10 feet to 6 feet.
- A reduction of setback from bordering vegetative wetlands from 50 feet (as required by Title V) to 44 feet for soil absorption system.
- A reduction setback from bordering vegetative wetlands from 100 feet (as required from local regulation) to 44 feet for the soil absorption system and a reduction to 41 feet for the septic tank .
- Utilization of historical perc rate of 17 minutes from 1980. Site has 8 feet of fill and perc rate has to occur below the 8 feet of fill. The deep hole poses risk for anyone going into the hole to do perc test.

The owners and the engineer have gone before the Conservation Commissioner and received order of conditions. MW did not have concerns with requests. He felt that the 17 minutes perc rate is conservative with the type of soil found on property. The design was able to maintain the 100 foot setback from the well which is the hierarchy. SP asked if brook

has ever overflowed. Owner said that house is built up high and water never reached the building.

BH: Made motion to accept variances subject to the conditions set forth by MassDEP as written in MW's letter.

TL: Second the motion

Vote: yes – 5 no – 0

6:22 148 Massapoag Road

Jeff Hannaford (JH) from Norse Engineer representing the owner Katherine Byrne was present to request a variance to Title 5. Property is on a narrow lot on Lake Massapoag. The property is about 12 thousand feet. The existing tank is a metal tank acting as a leach trench. The existing well is in the front right corner of the property. The existing system is substandard. Due to the size of lot constraint, he proposed to relocate the well to the rear of the property closer to the lake. Tested the front soil; Soil is sandy. No water table to the 10 foot depth in the front. Requested variance for:

- Minimum Setback Distances from 20 feet 15 feet from a cellar wall to soil absorption system.
- Maximum depth of cover over system components from 36 inches to 54 inches.
- Offset to private well from 100 feet to 54 feet from the proposed soil absorption system.
- Distance to wetlands from 100 feet to 77 feet separation from subsurface wastewater disposal system (for building sewer).
- Bend in the line for building sewer with proposed clean out. Pipe comes out of the basement and comes out low. Septic tank would have been too close to the property line. The line would be a 45 degree bend.

JH realized there are a number of variances but even with all the variances, this new system would still be an upgrade. MW added 2 variances for the well. The setback for the well to the property line is 13 feet instead of 20 feet and the set back is 50 feet to the surface water as required by the Tyngsborough well regulation. JH explained that the new well is a shallow well. The grade drops greatly to the back and there is little room or limited access to the right side of the house. In order to get the size of machinery to the back to do a drill well, a road has to be built for the heavy equipments from the road to the site of the proposed well. Considering that this is not new construction, JH felt it is more practical to build a shallow well. He considered the well a relocation of the old well. MW read an excerpt of the well regulation regarding shallow well: "shallow well that relies on ground water instead of aquifer shall be permitted by special permission" (by BOH). For most of the septic systems, MW had recommended that the systems be built on the street side as far away from the lake as far as possible. There will be a deed restriction for a two bedroom dwelling as required by DEP. JH has brought a well report for 146. MW has concerns of suction line because it constantly draws water and sucking things in. MW asked JH to move the water line farther away from the septic system and the old well needs to be decommissioned.

BH: made motion to grant variances per MW's letter and in addition to move the water line, submit a plan to reflect the change, and record a deed restriction for the shallow well.

TL: Second the motion

Vote: yes – 5 no – 0

6:45 422 Middlesex Rd - Olive Garden

Geoffrey Robillard (GR), Karen Charlesworth (director of operation) and Steve Blaise (General Manager) of Olive Garden and Dale McKinnon (DM) were present.

Since last meeting, MW and DM met at the site to discuss other possible options to start work in the fall but both agreed they cannot get a system in the fall and have to wait until Spring. As of right now, Olive Garden (OG) is waiting for National Grid (NG) to move electrical line and will add 300 ft of additional electrical line. NG will design the plan. MW added they were meeting with NG for an hour and half to try to get things moving forward. MW is not comfortable moving forward without a plan in place and with temporary fixes to get through winter. MW noted that discharges of effluent will be easier to observe and detect in winter. They had looked at a few options but MW felt that the better alternative is to wait until Spring because there is no imminent health threat. CM noted that the issue came up 13 months ago and as of today, we are not further along. SP asked if the main issue is NG. GR said that the system cannot be install in field one as planned without moving the electrical line. NG electrical line is up to the transformer. OG found out at the pre-bid meeting that the line belongs to NG. GR said that NG's line is up to transformer that cut thru parking lot.

Board expressed frustration that issue has been in front of the Board over a year and OG is not made repair. SP asked if there is a massive breakout, what is the option for OG. MW said if it ever got to that point, all lines to the field has to be shut off and the tank has to be pumped as needed. GR claimed that OG has not had any outbreak since they have made repair to area of the breakout. OG has awarded bid and is ready to go as soon as NG work on the electrical line. NG will not put OG on their priority list because OG has electricity and therefore the earliest work may be in April. OG has initiated the process to get on the list of NG. MW and DM tried to work on alternatives but there are too many variables and questions.

BH asked for pumping log. KS went over record and BOH did not receive record for September.

TL asked if contractor is ready to put in system once NG okay it. GR said the contractor is their preferred vendor and they know the sense of urgency for Darden. They are ready to go. KS reminded that the installer has to be licensed by BOH. NG promised DM that it will take 1 month for design and about 2 months before NG start work after payment is received. Meanwhile DM will start work on other things such as installing the fast systems before working on the field. GR estimated 2 weeks for each leach field. DM will call NG tomorrow and reiterated that NG is "a monopoly and do not care". DM will keep board inform. MW said that things are going to slow down in the winter. Meanwhile, KO and MW will continue to inspect.

KO asked for water maintenance and grease management plan. GR thought it was for the FAST system. KO clarified that the plan is needed for the failed septic system. Ms. Charlesworth asked if there is model plan she can use and incorporate in her green energy program. KO will email a copy of the water and FOG maintenance plan. OG does have an energy conservation program to conserve water.

GR claimed Sept was not pumped due to pumping company clerical error. GR claimed that they had not been pumping for 2 months and there has not been a breakout. He felt that

pumping once a week is very expensive and is asking the Board to pump once a month. SP responded that is one of the BOH concerns because OG has not follow through with BOH order. GR claimed that the original contractor extended one of the leach fields to the end of the wall which had caused the breakout. OG has found the breakout and spent a large sum of money to make correction by installing slurry wall and he felt very confident they have corrected the situation. OG has gone 2 months without pumping and did not see a breakout. The Board asked for MW thoughts. Due to the slurry wall, no breakout, filters installed, water conservation effort, and inspections of outbreak on daily basis by BOH, MW felt there is no public health threat and therefore he felt comfortable with pumping every 2 weeks or once a month. Meanwhile, he also wanted OG to start working to see if the water softener is connected to the septic system. If it is, it needs to be disconnected.

PQ: Made motion for Olive Garden to pump every other week until further notice.

CM: 2nd motion

Vote: yes – 5 no-0

7:55 Minutes

TL: Made motion to accept the October minutes.

PQ: 2nd motion

Vote: yes –5 no-0

8:00 Health Agent's Report

Flu Clinic - The flu clinic went well. All the volunteers from the MRC showed up. We did about 100 shots. KO thanked Karen the set ups. PQ and KO went to do home visits. PQ and CM also did a home visit.

Trash Contract: The 4 town coalition has received an offer from WM. Only Billerica has a great deal from it but they are willing to distribute the saving to the 3 Towns. An email has been sent to AW for a counter offer.

Recycling: KO had asked Covanta to do a drop-off collection date for Tyngsborough. He said he can do it in the Spring. Since we will have a HHW day in May, she suggested summer. He has no problem with it and is willing to advertise the event. KO has also asked DPW if they are willing to allow the residents to drop off the light bulbs it once a month for a couple of hours. He said he does not have a problem as long as someone from the BOH or the recycling can man the position.

Recycling Grant: Meeting on Wed., Oct. 24 with Carolyn Dann (CD) from DEP, Michael P. Gilleberto, Town Administrator, Chris Mellen, Steve Berthiaume, and Joe DelGaudio. They discussed ways to increase recycling and how to get businesses and the 40Bs to recycle as well. CD brought an idea to the table (modeled after Attleboro) that required waste hauler to provide recycling service. They can accomplish this by providing their customers with one pricing for trash and recycling. For the next meeting, CD can come to the meeting and provide the Board with more info. Another idea that the group came up with is to go around trash day and note the people that do not recycle and send them a friendly letter. Michael has asked DPW to drive a member from either the recycling committee or BOH on trash day if anyone is interested. SP expressed that she would like to have more ideas on how to increase recycling in Town and has concerns of the monetary consequences on the businesses. TL would like for Carolyn Dann to come to the next meeting.

WNV &EEE: KO spoke with Central MMCP on 11/6/12. She reported that once the Town voted the program in, the Town can become part of the program. Assessment usually starts

in July (mosquito traps and testing). Preliminary work such as education starts in June. KO also received an email that a more accurate assessment for Tyngsboro would be \$40,346.

8:30 Administrative Assistant's Report

Permits: KS sent letters to businesses for the coming up permit season.

8:40 Health Fair

TL praised CM on the great work that he did at the health fair. There was a great turn out but by noon, the health fair portion has to be closed down because no one was coming by. TL felt that maybe next year the BOH should promote the fair more. The only promotion that the fair got was through the Education Foundation. SP commented that the craft fair may be working against the health fair because everyone that comes to the health fair may not be interested in the health fair due to different interest. CM suggested that the health fair should be held in the hallway and the food should be in the gym. That way, the fair would get more exposure. CM requested \$200 dollars for the Health Fair budget.

9:00 Motion to adjourn

TL: made motion to adjourn

CM: 2nd the motion

Vote: yes -3 no – 0

Respectfully for the Board of Health

Kerri C. Oun

Health Agent